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2 JEFFRY BUTLER (State Bar No. 180936)  
3 MICHELLE BRADLEY (State Bar No. 221323)  
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5 2121 N. California Blvd., Suite 800  
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Telephone: (925) 949-2600  
Facsimile: (925) 949-2610

6 Attorneys for Defendant  
7 ALLSTATE INSURANCE COMPANY

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9  
10 UNITED STATES DISTRICT COURT  
11  
12 NORTHERN DISTRICT OF CALIFORNIA  
13  
14 SAN JOSE DIVISION

15 STEPHEN M. HOHS,  
16 Plaintiff,  
17  
18 vs.  
19 ALLSTATE INSURANCE COMPANY  
and DOES 1 through 100, inclusive,  
Defendants.

20 No. C 08-02177 JW

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**NOTICE TO PLAINTIFF THAT  
ACTION HAS BEEN REMOVED TO  
FEDERAL COURT**

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28 TO PLAINTIFF AND HIS ATTORNEY OF RECORD:

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30 NOTICE IS HEREBY GIVEN that, pursuant to 28 U.S.C. sections 1332, 1441(a), and  
31 1446, this action has been removed to the United States District Court for the Northern District  
32 of California. Copies of the Notice Of Removal Of Civil Action filed in the District Court and  
33 the Notice That Action Has Been Removed filed in the Superior Court of California for County  
34 of Santa Clara are attached (without their exhibits) as Exhibit 1.

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1 All further proceedings in this action shall take place before the United States District  
2 Court for the Northern District of California.

3 Dated: April 30, 2008

SONNENSCHEIN NATH & ROSENTHAL LLP

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5 By /s/ *MICHELLE BRADLEY*  
6 MICHELLE BRADLEY

7 Attorneys for Defendant  
8 ALLSTATE INSURANCE COMPANY

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SONNENSCHEIN NATH & ROSENTHAL LLP  
2121 N. California Blvd., Suite 800  
Walnut Creek, California 94596  
(925) 949-2600

## **EXHIBIT 1**

ORIGINAL  
FILED

08 APR 28 PM 2:12

RICHARD W. WIEKING  
CLERK  
U.S. DISTRICT COURT  
NO. DIST. OF CA S.J.

1 CYNTHIA L. MELLEMA (State Bar No. 122798)  
 2 JEFFRY BUTLER (State Bar No. 180936)  
 3 MICHELLE BRADLEY (State Bar No. 221323)  
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6 Attorneys for Defendant  
 7 ALLSTATE INSURANCE COMPANY

**E-FILING**

8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA  
 10 SAN JOSE DIVISION

**C 08 02177**JW  
HAL  
NOTICE OF REMOVAL OF A CIVIL  
ACTION

SONNENSCHEIN NATH & ROSENTHAL LLP  
 2121 N. California Blvd., Suite 800  
 Walnut Creek, California 94596  
 (925) 949-2600

12 STEPHEN M. HOHS,

13 Plaintiff,

14 vs.

15 ALLSTATE INSURANCE COMPANY  
 and DOES 1 through 100, inclusive,

16 Defendants.

**BY FAX**

19  
 20 TO THE CLERK OF THE UNITED STATES DISTRICT COURT FOR THE  
 21 NORTHERN DISTRICT OF CALIFORNIA AND TO PLAINTIFF AND HIS ATTORNEYS  
 22 OF RECORD:

23 PLEASE TAKE NOTICE that pursuant to 28 U.S.C. section 1441(a), defendant Allstate  
 24 Insurance Company hereby removes to this Court the action described herein and respectfully  
 25 submits the following statement of grounds for removal:

26 THE SUPERIOR COURT ACTION

27 1. On March 11, 2008, plaintiff Stephen Hohs filed an action in the Superior Court of  
 28 the State of California for the County of Santa Clara entitled "*Hohs v. Allstate Insurance*

*Company, et al.*,” Case No. 108CV107836 (the “Superior Court Action”).

2. In the Superior Court Action, plaintiff seeks damages with respect to Allstate's handling of a third-party liability lawsuit against plaintiff (the "Underlying Action"). Specifically, plaintiff contends that Allstate failed to provide a timely legal defense, failed to initially provide local legal representation, and settled the Underlying Action for \$150,000, despite its promise not to settle for more than "a couple of thousand dollars." (Complaint ("Compl."), ¶¶ 22, 26, 32, 36.) Plaintiff asserts causes of action against Allstate for "breach of written contract, breach of oral contract, bad faith, general negligence, and fraud."

## SERVICE

3. Plaintiff served the Summons and Complaint in the Superior Court Action on Allstate on or about April 2, 2008. Attached as Exhibit A to this notice are true and correct copies of the Summons, Complaint, Allstate's Answer (which Allstate filed in the Superior Court on April 25, 2008), and ADR papers, which Allstate believes constitute all pleadings on file in the Superior Court Action.

## DIVERSITY OF CITIZENSHIP

4. Plaintiff was, at the time of filing of the Superior Court Action, now is, and at all relevant times has been, a citizen and resident of the State of California. (Compl. ¶ 1.) Defendant Allstate was, at the time of filing of the Superior Court Action, now is, and at all relevant times has been, a corporation organized and existing under the laws of the State of Illinois, with its principal places of business in the city of Northbrook, Illinois.

5. Plaintiff and Allstate, accordingly, are citizens and residents of different states.

6. “Doe” defendants must be disregarded in determining diversity of citizenship. 28 U.S.C. § 1441(a) (“For purposes of removal under this chapter, the citizenship of defendants sued under fictitious names shall be disregarded.”).

#### AMOUNT IN CONTROVERSY

7. Specifically acknowledging the Superior Court Action is removable, plaintiff alleges that, “while the amount sought in damages is unspecified, the amount in controversy will exceed \$75,000.” (Compl. ¶ 46.)

1       8. The Superior Court Action is a civil action of which this Court has original  
2 jurisdiction under 28 U.S.C. section 1332, in that plaintiff and Allstate are citizens of different  
3 states and the amount in controversy exceeds \$75,000, exclusive of interest and costs.

4       9. The case is therefore one that Allstate may remove to this Court pursuant to 28  
5 U.S.C. sections 1441 and 1446. The removal is effected less than thirty days after service of the  
6 Complaint in the Superior Court Action, in accordance with 28 U.S.C. section 1446(b).

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8       Dated: April 25 2008

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10      SONNENSCHEIN NATH & ROSENTHAL LLP

11      By Michelle A. Bradley  
12      MICHELLE BRADLEY

13      Attorneys for Defendant  
14      ALLSTATE INSURANCE COMPANY

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9 Attorneys for Defendant  
10 ALLSTATE INSURANCE COMPANY

ENDORSED

2008 APR 29 P 1:21

REB TO THE CLERK OF THE SUPERIOR COURT  
COUNTY OF SANTA CLARA, CALIFORNIA  
REB

*Rebendel*

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 FOR COUNTY OF SANTA CLARA

11 STEPHEN M. HOHS,

12 Plaintiff,

13 vs.  
14 NOTICE TO STATE COURT THAT  
15 ALLSTATE INSURANCE COMPANY  
16 and DOES 1 through 100, inclusive,  
17 Defendants.

18

19 TO THE CLERK OF THE ABOVE COURT:

20 PLEASE TAKE NOTICE THAT, on April 28, 2008, defendant Allstate Insurance

21 Company removed this action to the United States District Court for the Northern District of

22 California, pursuant to 28 U.S.C. sections 1332, 1441(a), and 1446. A copy of the Notice Of

23 Removal Of Civil Action (without exhibits) is attached to this notice as Exhibit "A."

24 PLEASE TAKE FURTHER NOTICE that, pursuant to 28 U.S.C. section 1446(d), filing

25 the Notice Of Removal Of Civil Action in the United States District Court followed by filing

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BY FAX

SONNENSCHEIN NATH & ROSENTHAL LLP  
2121 N. California Blvd., Suite 800  
Walnut Creek, California 94596  
(925) 949-2600

1 this notice with this Court effected the removal of this action, and this Court may not proceed  
2 further unless and until the action is remanded.

3  
4 Dated: April 28, 2008

SONNENSCHEIN NATH & ROSENTHAL LLP

7 By Michelle A. Bradley  
8 MICHELLE BRADLEY

9 Attorneys for Defendant  
10 ALLSTATE INSURANCE COMPANY

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